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VIA ECF AND EMAIL

Hon. Jerrold N. Poslusny, Jr.
Mitchell H. Cohen U.S. Courthouse
400 Cooper Street, 4th Floor
Courtroom 4C
Camden, NJ 08101

**Re: Daryl Fred Heller
Case No. 25-11354 (JNP)**

Dear Judge Poslusny:

My office is counsel to Prestige Funds. On behalf of non-parties Jerry Hostetter, Buck Joffrey, William Poole, and Dave Zook (collectively, “the Recipients”), we write to object to subpoenas directed to each of them (the “Subpoenas”).¹ Debtor’s counsel emailed the Subpoenas to the my office **at 3:47 PM yesterday**, less than 20 hours before today’s hearing. *See* Exhibit A. Debtor is attempting to force the Recipients to attend today’s hearing at 11:00 AM in Camden, New Jersey, regarding two pending 9019 Motions [ECF No. 213 & 258]. Mr. Hostetter, Mr. Poole, and Mr. Zook all live in central Pennsylvania; **Mr. Joffrey lives in Santa Barabara, California**, several thousand miles away.

The Court scheduled the hearing today by Order dated July 7, 2025. [ECF No. 374.] In the intervening month since the Court issued the Order, Debtor’s counsel did not issue subpoenas to the Recipients to attend. Instead, the first notice of any kind the Recipients received that Debtor was interested in their live testimony was when Debtor listed them on “Debtor’s Witness List,” which was served at 4:19 PM on Monday, August 4, less than 48 hours ago. *See* Exhibit B. When Debtor’s counsel asked if the Recipients would attend, the undersigned advised that they would not because: (1) they were not subpoenaed, noting that the Recipients were all out of state and received only short notice; (2) they do not have relevant information for purposes of the 9019 hearing; and (3) even if they did have information, Debtor doesn’t need testimony from all four Recipients. *See* Exhibit A. Yet rather than stand down, Debtor issued four subpoenas within less than 20 hours of notice, including, again, one to a non-party that Debtor knows lives and works in California.

¹ The Prestige Funds, claimants in this matter, are each manager-managed LLCs. The Recipients are each either members of the manager LLCs or members of members in the manager LLCs.

Let that sink in: Debtor demanded a mere few hours ago that a non-party drop everything and book a cross-country flight to attend this morning's hearing. That sounds an awful lot like an intent to burden and harass rather than an intent to seek relevant information.

Against the above, and given the lack of time to submit a formal motion, the Recipients ask the Court to consider this letter and immediately quash the subpoena.

Thank You for Your Honor's attention to this matter.

Respectfully,

STARK & STARK
A Professional Corporation

BY: /s/ Joseph H. Lemkin, Esq.
JOSEPH H. LEMKIN, ESQ.

JL/
Enc.

cc: Sari Placona (via email and ECF)
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